

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No.:

Date Purchased:

-----X
YANIRA DIAZ,

SUMMONS

Plaintiff,

Plaintiff designates Kings
County as the place of trial.

-against-

The basis of venue is:
Plaintiff's residence

BJ'S WHOLESALE CLUB, INC.,

Defendant.
-----X

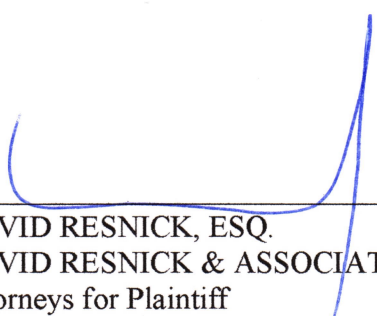
Plaintiffs reside at:
790 Eldert Lane, Apt. 11N
Brooklyn NY 11208

County of Kings

To the above-named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within **twenty** days after the service of this summons, exclusive of the day of service, where service is **made** by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
January 22, 2021



DAVID RESNICK, ESQ.
DAVID RESNICK & ASSOCIATES, P.C.
Attorneys for Plaintiff
YANIRA DIAZ
450 Seventh Avenue, Suite 409
New York, NY 10123
212-279-2000

TO: BJ'S WHOLESALE CLUB, INC.
DOS Process:
C T CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NEW YORK, 10011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No.:
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YANIRA DIAZ,

Plaintiff,

-against-

VERIFIED COMPLAINT

BJ'S WHOLESALE CLUB, INC.,

Defendant.
-----X

Plaintiff, by her attorneys, **DAVID RESNICK & ASSOCIATES, P. C.**, complaining of
the Defendant, respectfully alleges, upon information and belief:

1. That at the time of the commencement of this action, Plaintiff **YANIRA DIAZ**
resided in the County of Kings, City and State of New York.

2. That the cause of action alleged herein arose in the County of Kings, City and State
of New York.

3. That this action falls within one or more of the exceptions set forth in CPLR §1602.

4. That on June 26, 2020, and at all times herein mentioned, Defendant **BJ'S
WHOLESALE CLUB, INC.** was, and still is, a foreign business corporation entity duly
authorized to do business in the State of New York.

5. That on June 26, 2020, and at all times herein mentioned, Defendant **BJ'S
WHOLESALE CLUB, INC.** was, and still is, a foreign business corporation entity duly
authorized to do business in the State of Delaware.

6. That on June 26, 2020, and at all times herein mentioned, Defendant **BJ'S WHOLESALE CLUB, INC.** maintained a principal place of business in the County of Kings, City of and State of New York.

7. That at all times hereinafter mentioned, the Defendant **BJ'S WHOLESALE CLUB, INC.** owned the premises located at 339 Gateway Drive, County of Kings, City and State of New York.

8. That at all times hereinafter mentioned, the Defendant **BJ'S WHOLESALE CLUB, INC.** owned the premises, and appurtenances and fixtures thereto, located at 339 Gateway Drive, County of Kings, City and State of New York.

9. That at all times herein mentioned, the aforesaid premises, and appurtenances and fixtures thereto, were operated by Defendant **BJ'S WHOLESALE CLUB, INC.**

10. That at all times herein mentioned, the aforesaid premises, and appurtenances and fixtures thereto, were managed by Defendant **BJ'S WHOLESALE CLUB, INC.**

11. That at all times herein mentioned, the aforesaid premises, and appurtenances and fixtures thereto, were maintained by Defendant **BJ'S WHOLESALE CLUB, INC.**

12. That at all times herein mentioned, the aforesaid premises, and appurtenances and fixtures thereto, were controlled by Defendant **BJ'S WHOLESALE CLUB, INC.**

13. That at all times hereinafter mentioned, Defendant **BJ'S WHOLESALE CLUB, INC.** repaired the aforesaid premises, and appurtenances and fixtures thereto.

14. That at all times hereinafter mentioned, it was the duty of Defendant **BJ'S WHOLESALE CLUB, INC.** to maintain the aforesaid premises, and appurtenances and fixtures thereto, in a reasonably safe condition.

15. That on June 26, 2020, Plaintiff **YANIRA DIAZ** was lawfully present on the aforesaid business premises.

16. That on June 26, 2020, while Plaintiff **YANIRA DIAZ** was lawfully present at the aforesaid location, Plaintiff was caused to slip and/or trip and fall and sustain severe and permanent injuries.

17. The above-mentioned occurrence, and the results thereof, were caused wholly and solely by the negligence of the Defendant and/or said Defendant's agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises, and appurtenances and fixtures thereto; and Defendant was otherwise negligent, careless and reckless.

18. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

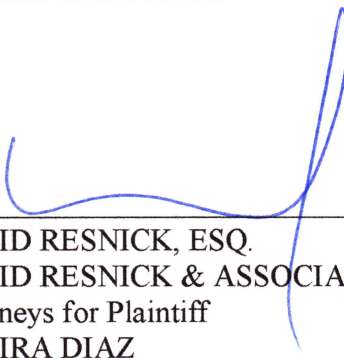
19. That as a result of the foregoing, Plaintiff **YANIRA DIAZ** was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries, Plaintiff has been caused to incur and will continue to incur expenses for medical care and attention; and, as a further result, Plaintiff was and will continue to be rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

20. That as a result of the foregoing, Plaintiff **YANIRA DIAZ** was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendant herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have

jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York
January 22, 2021



DAVID RESNICK, ESQ.
DAVID RESNICK & ASSOCIATES, P.C.
Attorneys for Plaintiff
YANIRA DIAZ
450 Seventh Avenue, Suite 409
New York, NY 10123
212-279-2000

TO: BJ'S WHOLESALE CLUB, INC.
DOS Process:
C T CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NEW YORK, 10011

ATTORNEY'S VERIFICATION

DAVID RESNICK, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury: I am an attorney at DAVID RESNICK & ASSOCIATES, P. C., attorneys of record for Plaintiff. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

Dated: New York, New York
January 22, 2021



DAVID RESNICK, ESQ.

Index No.:
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

YANIRA DIAZ,

Plaintiff,

-against-

BJ'S WHOLESALE CLUB, INC.,

Defendant.

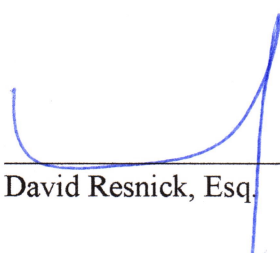
SUMMONS AND VERIFIED COMPLAINT

DAVID RESNICK & ASSOCIATES, P.C.
Attorney for Plaintiff
450 Seventh Avenue, Suite 409
New York, New York 10123
Tel: (212) 279-2000

Attorney Certification:

The undersigned, an attorney admitted to practice in the courts of the State of New York certifies that, upon information, belief and reasonable inquiry, the contentions contained in the above document(s) are not frivolous.

Dated: New York, New York
January 22, 2021



David Resnick, Esq.
